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DEC 20 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael P. DeNinno, et al. :
Application No. 10/099,620 :
Filed: March 15, 2002 :
Attorney Docket No. PC11066AAKM :

This is a decision in response to the "Request for Reconsideration..." filed December 16, 2004 requesting that the above-identified application be withdrawn from issue pursuant to 37 CFR 1.313(c)(1). The initial petition, filed November 23, 2004, was dismissed in a decision mailed November 30, 2004.

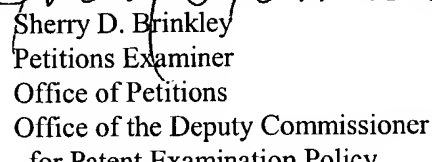
On reconsideration, the petition is **GRANTED**.

Accordingly, the above-identified application is withdrawn from issue due to unpatentability of one or more claims. See 37 CFR 1.313(c)(1).

Petitioner is advised that the issue fee paid on October 25, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center 1623 for consideration of the amendment filed November 23, 2004.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).